

**WALWORTH TOWN BOARD – SPECIAL MEETING
4 AUGUST 2015**

Presiding Supervisor Marini called the Town Board Special Meeting, County of Wayne, State of New York, held at the Walworth Town Hall, 3600 Lorraine Drive, Walworth, NY to order at 7:03 PM.

Susie C. Jacobs, Town Clerk, apologized for her tardy arrival.

<u>PRESENT:</u>	Patricia Marini	Supervisor
	Larry Ruth	Councilman
	Suzi Hawkins-Mance	Councilwoman
	Susie Jacobs	Town Clerk

<u>ABSENT:</u>	Vaughn Pembroke	Councilman
	Judy Markowski	Councilwoman

OTHERS PRESENT: Norm Druschel, Building Inspector; Matt Hankey, New Energy Equity, Chief Operating Officer, and eight (8) other attendees.

RESOLUTION 155-15 STOP WORK ORDER – 1674 PLANK ROAD:
Councilwoman Hawkins-Mance offered the following Resolution 155-15 and moved its adoption.
Seconded by Councilman Ruth to wit:
The following was submitted:

WHEREAS, a Stop Work Order was previously issued by the Town Building Inspector on property located at 1674 Plank Road by the Building Inspector; and

WHEREAS, a site inspection was recently made by the Town Building Inspector; and

WHEREAS, a letter dated August 3, 2015 has been received by the Town from Maier Consulting Construction, LLC outlining the items that will need to be addressed for this property to be brought into compliance with the requirements of the New York State Building Code;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the lifting of the Stop Work Order and authorizes the Building Inspector to issue a Building Permit to allow the appropriate work to be completed; and be it further

RESOLVED, that the previously submitted Building Permit fees will provide the necessary funds to cover the costs associated with the future inspections of the construction ; and be it further

RESOLVED, that a fee of Twenty-Five Dollars (\$25.00) be charged to the contractor/owners for the issuance of the new Building Permit to cover the foregoing administrative fees and that the sum of One Hundred Dollars (\$100.00) be charged for the removal of the Stop Work Order as required by the Town’s Fee Schedule; and be it further

RESOLVED, that the Building Inspector is authorized to issue a letter in support of the property owners' efforts to rehabilitate the property if such a letter would assist them in securing lender financing for this project.

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Dated this 4th day of August, 2015 at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Absent
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Absent
	Supervisor Marini	Aye

Resolution carried.

SOLAR – DISCUSSION:

Supervisor Marini stated Council members have before them the following:

- Wayne County Department of Economic Development and Planning – letter dated July 30, 2015. RE: Photovoltaic (PV) System – Solar Project 3600 Lorraine Drive; Tax Map Ref. No. 63114-00-188272; Preliminary/Final Site Plan. Recommendations:
 1. Screening (e.g. fence, berm, landscaping, etc.) should be used to help the proposed photovoltaic development remain compatible with surrounding land uses and
 2. There should be no photovoltaic system structures within the nearby cell tower fall zone.
- Letter from LaBella Associates, D.P.C., dated August 4, 2015, re: Walworth Solar Array, Site Plan, LaBella Project No. 212139.015

**SOLAR – RESOLUTION 156-15 DETERMINATION RELATING TO
CONDITIONS FOR THE TOWN OF WALWORTH SOLAR PROJECT:**

Councilwoman Hawkins-Mance offered the following Resolution 156-15 and moved its adoption.

Seconded by Councilman Ruth to wit:

The following was submitted:

WHEREAS, using the request for proposal process, the Town of Walworth (“Town”) selected New Energy Equity, LLC or its affiliate (the “Developer”) to design, develop, construct, own and operate for 25 years a 1.56 MW solar array (the “Solar Project”) on approximately 7.5 acres of Town-owned land, located northeast of the intersection of Sherburne Road and Route 350 and just west of the Walworth Town Hall on Lorraine Drive; and

WHEREAS, to advance the Solar Project, the Town duly entered into and approved a Power Purchase Agreement (“PPA”) and Site Lease (“Lease”) with the Developer, subject to the Town Board’s approval of the final construction plans and further subject to other certain conditions precedent; and

WHEREAS, NEE has made significant progress in addressing said conditions precedent and has requested that the Town and WGL Energy Systems, Incorporated waive certain of those conditions precedent pursuant to the execution of confirmation letters (“Confirmation Letters”), dated August 4, 2015, copies of which are attached hereto; and

WHEREAS, after duly and extensively reviewing the *Matter of County of Monroe v. City of Rochester* factors, the Town Board found that the Solar Project is exempt from local zoning regulations, including, but not limited to use and area regulations, as well as to site plan and/or subdivision review; and

WHEREAS, the Town has transmitted the Solar Project documentation to the County of Wayne Planning Board pursuant to General Municipal Law Section 239-m and;

WHEREAS, the County of Wayne Planning Board has approved of the Solar Project, with the following comments: a) that the Solar Project should be outside

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of the fall zone of the nearby cell tower and b) that the Solar Project should be appropriately screened; and

WHEREAS, the Town would like to address the final construction plans and remaining conditions precedent in order to move forward with the construction and implementation of the Solar Project; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes and directs the Supervisor to execute and deliver the Confirmation Letters on behalf of the Town in connection with the Solar Project, subject to such revisions as to form as may be approved by legal counsel; and be it further

RESOLVED, that, upon the advice of the Town Engineer, the Town Board finds and determines that location of the Solar Project, as proposed, will be outside of the fall zone of the nearby cell tower structure, as more specifically discussed in the Town Engineer’s letter dated August 4, 2015; and be it further

RESOLVED, that the Town Board hereby approves of the final construction plans for the Solar Project, subject to the following condition: That signatures of the Town Engineer and the Town Supervisor on the final plans shall be subject to the Developer satisfying all comments set forth in the Town Engineer’s letter dated August 4, 2015 (including the provision of adequate screening); and be it further

RESOLVED, that the Town Board recommends to the Building Inspector that the Solar Project be issued a building permit; and be it further

RESOLVED, that a copy of this Resolution be provided to the Wayne County Planning Board.

Dated this 4th day of August, 2015 at a meeting of the Town Board.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Absent
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Absent
	Supervisor Marini	Aye

Resolution carried.

PERSONNEL COMMITTEE MEMBERS:

Supervisor Marini stated the Personnel Committee Members, effective immediately are:

Larry Ruth	Councilman/Chair
Rob Burns	Sewer Superintendent
Jean Johnson	Town Comptroller
Patricia Marini	Supervisor
Phil Williamson	Code Enforcement Officer

ADJOURNMENT:

Motion by Councilwoman Hawkins-Mance to adjourn.

Seconded by Councilman Ruth.

Time: 7:08 PM.

Roll call vote:	Councilman Ruth	Aye
	Councilman Pembroke	Absent
	Councilwoman Hawkins-Mance	Aye
	Councilwoman Markowski	Absent
	Supervisor Marini	Aye

Motion carried.

Respectfully Submitted,

Susie C. Jacobs, MMC, RMC
Town Clerk